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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,515	03/18/2004	David J. Moenssen	10541-1934	5398
29074	7590	08/26/2005	EXAMINER	
VISTEON C/O BRINKS HOFER GILSON & LIONE PO BOX 10395 CHICAGO, IL 60610			KAMEN, NOAH P	
			ART UNIT	PAPER NUMBER
			3747	

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/803,515

Applicant(s)

MOENSSEN ET AL.

Examiner

Noah Kamen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicants' arguments are rendered moot in light of the newly discovered art and revised rejections based thereon.

Claim Rejections - 35 USC § 112

Claims 2, 5, 9, 11, 27-29, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 sets forth the compliant member as being on a tuner, but then claims 2, 5, 9 and 11 indicate that the member is on something else. The dependent claims should instead indicate that there is an additional compliant member and its location. In like manner see also claims 27-29,.

NOTE, it is believed that claims 21, 24, and 25 should depend on claim 20 so as to avoid redundancy. In like manner, claim 22 should depend on claim 21 and claim 23 on 22.

\Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 7, 20 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Verkleeren (5333576).

Figure 5 shows a compliant member 448 in a quarter wave tuner 422. The member (spring) is seen to be less than half the thickness of the tube.

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Claims 20-22, 24, 26, 30-35, and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by JP06219144. JP'144 disclose a thin polymer film covering an elongated slot for dampening vibrations and may be used in a motor car which is deemed to be the intake system. In regard to claim 24, the elongate film is deemed to be at least located at some standing waves because the engines typically have an rpm range of 900-5000 that at higher rpms would have standing waves located every few inches.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 5-8, are rejected under 35 U.S.C. 103(a) as being unpatentable over Verkleeren (5333576) as applied to claim 1 above, and further in view of JP06219144. Verkleeren discloses a quarter wave resonator with a compliant member 448. JP'144 disclose a thin polymer film covering an elongated slot for dampening vibrations and may be used in a motor car which is deemed to be the intake system. It would have been obvious to one of ordinary skill in the art to include the film of JP'144 in the intake duct in Verkleeren to further reduce noise. In regard to claim 5, the elongate film is deemed to be at least located at some standing waves because the engines typically have an rpm range of 900-5000 that at higher rpms would have standing waves located every few inches. In regard to claim 6, to make the intake duct out of plastic to reduce cost and weight, is notoriously well known. In regard to claim 7, to make the film less than half the thickness of the intake duct so as to provide a desired flexibility would have been obvious to one of ordinary skill in the art.

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Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Verkleeren in view of JP'144 as applied to claim 3 above, and further in view of Donald et al (2003/0144418A1). Donald et al discloses (see paragraph 0057) various polymers including olefin/polypropylene blend and that can be successfully used (paragraph 0202) in automobile articles and interior components, vibration dampers, sound deadeners, etc. It would have been obvious to one of ordinary skill in the art to use the materials of Donald et al in JP'412 in JP'144 since no others are explicitly disclosed.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Donald et al discloses (see paragraph 0057) various polymers including olefin/polypropylene blend and that can be successfully used (paragraph 0202) in automobile articles and interior components, vibration dampers, sound deadeners, etc. It would have been obvious to one of ordinary skill in the art to use the materials of Donald et al in JP'412.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Verkleeren as applied to claim 1 above, and further in view of Walter et al (6600408). It would have been obvious to one of ordinary skill in the art to include a resonator with a membrane in Verkleeren to further reduce noise as taught by Walter et al (see compliant member 20).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Verkleeren as applied to claim 1, and further in view of Spannbauer et al (2002/0124734A). It would have been obvious to one of ordinary skill in the art to include a compliant member on an air filter box to further reduce noise as taught by Spannbauer et al (see figure 2).

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP'144 as applied to claim 20 above, and further in view of Spannbauer et al.). It would have been obvious to one of ordinary skill in the art to include a compliant member on an air filter box to further reduce noise as taught by Spannbauer et al (see figure 2).

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Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP'144 as applied to claim 20 above, and further in view of Walter et al. It would have been obvious to one of ordinary skill in the art to include a resonator with a membrane in Verkleeren to further reduce noise as taught by Walter et al (see compliant member 20).

Claims 12-17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP062144 in view of Verkleeren. JP'144 disclose a thin polymer film covering an elongated slot for dampening vibrations and may be used in a motor car which is deemed to be the intake system. . In regard to claim 12, the elongate film is deemed to be at least located at some standing waves because the engines typically have an rpm range of 900-5000 that at higher rpms would have standing waves located every few inches. Verkleeren discloses a quarter wave resonator with a compliant member 448. It would have been obvious to one of ordinary skill in the art to include the quarter wave tuner of Verkleeren in JP'144 to further reduce noise.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP'144 in view of Verkleeren as applied to claim 16 above, and further in view of Donald et al. Donald et al discloses (see paragraph 0057) various polymers including olefin/polypropylene blend and that can be successfully used (paragraph 0202) in automobile articles and interior components, vibration dampers, sound deadeners, etc. It would have been obvious to one of ordinary skill in the art to use the materials of Donald et al in JP'412 since no others are disclosed.

Claims 23 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP'144 as applied to claims 20 and 30 above, and further in view of Donald et al. Donald et al discloses (see paragraph 0057) various polymers including olefin/polypropylene blend and that can be successfully used (paragraph 0202) in automobile articles and interior components, vibration dampers, sound deadeners, etc. It would have been obvious to one of

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ordinary skill in the art to use the materials of Donald et al in JP'412 since no others are disclosed.

Claims 20 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP'144. It would have been obvious to one of ordinary skill in the art to use thermoplastic for the intake system of JP'144 for its lightweight and low cost since these properties are well known attributes of thermoplastics.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Noah Kamen whose telephone number is 571 272 4845. The examiner can normally be reached on M-Th 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Yuen can be reached on 571 272 4856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Noah Kamen
Primary Examiner
Art Unit 3747

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